

Did Bell commit perjury at hearing?

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WASHINGTON (AP) — Sen. Malcolm Wallop called on Thursday for appointment of a special prosecutor to investigate whether Attorney General Griffin B. Bell perjured himself at his confirmation hearings about merit selection of U.S. attorneys.

Wallop, a Republican from Wyoming, suggested that Senate confirmation of Benjamin R. Civiletti as deputy attorney general be made contingent on an agreement to name a special prosecutor.

During the 11th day of the Senate Judiciary Committee's hearings on Civiletti's nomination, Wallop said that a legal brief alleging Bell perjured himself had been prepared by Henry Reath, a past president of the Philadelphia Bar Association.

Civiletti said he hadn't seen Reath's brief but that he knew of no facts or evidence giving "even a shadow of substance to his allegations."

Wallop said, "I am not accusing the attorney general of anything." But he said Reath is a distinguished lawyer who had made a serious charge that

should be investigated.

Reath, an early supporter of Carter for president, has criticized the administration for ousting David Marston as U.S. attorney in Philadelphia.

Wallop and other Republicans on the Senate Judiciary Committee have been using Civiletti's nomination to investigate whether an attempt to obstruct justice was involved in removing Marston, a Republican.

Carter, after being urged by Rep. Joshua Eilberg, D-Pa., directed Bell last November to expedite the replacement of Marston. Both Carter and Bell have said they were unaware at the time that Eilberg might be involved in an investigation by Marston's office.

Meanwhile, Carter said at his news conference Thursday that he knows nothing of deletions made in government papers about the Marston dismissal presented to the committee. The Justice Department has contended the deletions, some of which were favorable to Marston, were made to protect its investigation.

Carter said in retrospect he thought it

would have been better to have included the material.

Wallop, questioning Civiletti about Reath's brief, said it accused Bell of perjury at his confirmation hearings by saying he planned to adhere to a merit system in appointing U.S. attorneys.

Civiletti said Bell had testified he would make every effort to select U.S. attorneys and federal judges on the basis of merit but any nominations had to get the approval of the Senate committee.

He said it would be preposterous to suggest the Justice Department could "avoid the committee" and its system under which senators from the state where a district judge or a U.S. attorney is to be appointed are asked for their approval.

Civiletti said the department would abuse its powers if it investigated every charge made against public officeholders, that there had to be material, supportable facts and "not just smoke or imagination."